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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/327,766	06/07/1999	NANCY ELLMAN	SYMA1039MCF/	5881

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EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 10/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/327,766

Applicant(s)

ELLMAN ET AL.

Examiner

Thuy Pardo

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Request for RCE and Preliminary Amendment filed on July 30, 2002 has been reviewed. Claims 32-35 have been amended.
2. Claims 32-56 are presented for examination.
3. The text of those sections of Title 35, U.S. Code § 102 not included in this action can be found in a prior Office Action.
4. Claims 36-56 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Kaufman** US Patent No. 6,034,621.
5. Kaufman was cited as prior art in the last office action. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action.

New Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32-35 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Clark et al.** (Hereinafter "Clark") US Patent No. 6,317,797, in view of **Boothby** US Patent No. 5,684,990.

As to claim 32, Clark teaches a method for synchronizing a file type between a first computer and a second computer [see the title and the abstract], comprising the steps of:

selecting on said first computer at least one file type to monitor [col. 3, lines 21-36; col. 10, lines 35-45; ab];

monitoring said first computer for modifications to files of said selected file type [col. 15, lines 35-50];

recording a file responsive to a modification to a file of said selected file type [col. 16, lines 4-6];

determining, subsequent to said step of identifying, whether said modified file on said first computer is more recent than said identified file on said second computer [604 of fig. 11; col. 16, lines 8-12]; and,

replacing said identified file on said second computer with said modified file on said first computer, only if it is determined that s said modified file on said first computer is more recent than said identified file on said second computer [606 of fig. 11; col. 16, lines 8-12].

However, Clark does not explicitly teach file identification representative of said recorded file identification. Boothby teaches file identification representative of said recorded file identification [ab; 5, 9 of fig. 1; N-ID of fig. 2; unique ID, col. 3, lines 60-64.

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to have modified the communication service system of Clark wherein the modified file provided thereof would have incorporated the teachings of Boothby especially the technique for identifying a corresponding file identification representative of said recorded file identification. Boothby teaches file identification; the motivation being to expand and enhance the versatility of Clark's system by allowing modified files are identified through the use of key fields [see Boothby, col. 4, lines 61 to col. 5, lines 5].

As to claim 33, Clark and Boothby teach the invention substantially as claimed. Clark further teach replacing said modified file on said first computer with said identified file on said second computer, if it is determined that said modified file on said first computer is not more recent than said identified file on said second computer [606 of fig. 11].

As to claim 34, Clark and Boothby teach the invention substantially as claimed. Clark further teaches accessing a first date and time associated with said modified file and accessing a second date and time associated with said identified file on said second computer [inherent in the system in order to determine if the files have different date and time, col. 15, lines 35-50] ; and determining if said

first date and time is more recent than said second date and time [col. 15, lines 65 to col. 16, lines 15].

As to claim 35, Clark and Boothby teach the invention substantially as claimed. Clark further teaches that said step of replacing said identified file on said second computer with said modified file on said first computer, replaces said identified file on said second computer with a copy of said modified file [update to newer files, 606 of fig. 11].

8. Applicant's arguments with respect to claims 31-35 have been considered but are moot in view of the new grounds of rejection.

9. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to They Parco, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Do Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)
(703) 746-7239 (Official Communication)
(703) 746-7240 (For Status inquiries, draft communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 308-9051, (for formal communications intended for entry)

Or: (703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



Thuy Pardo
October 8, 2002